## **REMARKS**

Sent By: Mirus Corporation;

## Rejection of claims under 35 U.S.C. 112:

Claims 6-8 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite. The action states that the term "structure comprising" is an improper Markush group. Applicants have amended the claim to obviate the rejection.

In addition, new drawings of the monomer structures in claims 6, 7 and 8 have been provided to more clearly indicate the claimed structures.

## Rejection of claims under 35 U.S.C. 102:

Claim 6 has been rejected under 35 U.S.C. 102(b) as being anticipated by DE 1963399 A. The action states that the claimed compound is taught by DE 1963399 A as evidenced by RN = 32797-22-1. Applicants respectfully disagree. Claim 6 cites that R is selected from the group consisting of an orthogonal protecting group and hydrogen. In the compound taught by DE 1963399 A, R is  $-CO(CH_2)_{16}CH_3$ ; and R' is  $-SO_3^-$ . Neither  $-CO(CH_2)_{16}CH_3$  or  $-SO_3^-$  is an orthogonal protecting group or a hydrogen.

Claim 8 has been rejected under 35 U.S.C. 102(b) as being anticipated by JP 63037185 A2 (as evidenced by compounds 116274-40-9 and 116274-44-3), EP 449450 A1 (as evidenced by compound 138807-23-5), and JP 06134322 A2 (as evidenced by compound 159613-51-1). The claim has been amended to obviate the rejections. Specifically, the amended claim cites that the momoner is used to form a polymer in the presence of a template polymer. Support for the amendment can be found in the specification on page 6, lines 22-31, page 8 line 32 to page 9 line 7, and page 9 line 34 to page 10 line 3.

## Rejection of claims under 35 U.S.C. 103:

Claim 8 has been rejected under 35 U.S.C. 103(a) as being anticipated by EP 449450 A1 as evidenced by compound 141052-46-2. The claim has been amended to obviate the rejections. Specifically, the amended claim cites that the moment is used to form a polymer in the presence of a template polymer. Support for the amendment can be found in the specification on page 6, lines 22-31, page 8 line 32 to page 9 line 7, and page 9 line 34 to page 10 line 3.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 6-8 should be allowable.

Respectfully submitted,

Mark K. Johnson Reg. No. 35,909

Mirus

505 South Rosa Road Madison, WI 53719 608-238-4400 I hereby certify that this correspondence is being sent by facsimile transmission to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date:

Kirk Ekena

originally filed 3/1/2004